

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LORETTA M. HOOK,

Plaintiff,

v.

CIVIL ACTION NO. 1:14CV126
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND DISMISSING THE CASE
WITH PREJUDICE FROM THIS COURT'S ACTIVE DOCKET

Pursuant to 28 U.S.C. §636(b)(1)(B), Rule 72(b), Federal Rules of Civil Procedure and Local Court Rule 4.01(d), on July 23, 2014, the Court referred this Social Security action to United States Magistrate Judge John S. Kaul with directions to submit proposed findings of fact and a recommendation for disposition.

On December 1, 2014, Magistrate Judge Kaul filed his Report and Recommendation ("R&R"), which directed the parties, in accord with 28 U.S.C. §636(b)(1) and Rule 6(e), Fed. R. Civ. P., to file with the Clerk of Court any written objections within fourteen (14) days after being served with a copy of the R&R. The R&R further advised the parties that failure to file objections would result in a waiver of the right to appeal from the judgment of this Court. After being so advised, the parties did not file any objections.

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Upon consideration of Magistrate Judge Kaul's recommendation, and having received no written objections,¹ the Court accepts and approves the R&R, and **ORDERS** that this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, the Court

1. **DENIES** the Commissioner's motion for Summary Judgment (dkt. no. 11);
2. **GRANTS** the plaintiff's motion for judgment on the pleadings (dkt. no. 9);
3. **REMANDS** the case to the Commissioner for consideration pursuant to the recommendations contained in the R&R; and
4. **DISMISSES** this civil action **WITH PREJUDICE** and **RETIRE**s it from the docket of this Court.

Pursuant to Fed.R.Civ.P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to counsel of record. If a petition for fees pursuant to

¹ The failure of the parties to object to the Report and Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).

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the Equal Access to Justice Act (EAJA) is contemplated, the plaintiff is warned that, as announced in Shalala v. Schaefer, 113 S.Ct. 2625 (1993), the time for such a petition expires ninety days after the entry of this Order.

DATED: February 6, 2015.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE